



NEW MEXICO ADMINISTRATIVE HEARINGS OFFICE

1220 S. St. Francis Drive, Room #269 | P.O. Box 6100, Santa Fe, NM 87502

Phone: (505) 827-0358 | Fax: (505) 827-9732

RECEIVED

Madai Corral
By Madai Corral at 1:27 pm, Dec 11, 2021

**STATE OF NEW MEXICO
ADMINISTRATIVE HEARINGS OFFICE**

NEW MEXICO ENVIRONMENT
DEPARTMENT RESOURCE
PROTECTION DIVISION,

Complainant,
v.

BL SANTA FE, LLC,

and

HRV HOTEL PARTNERS, LLC

Respondents.

Case No. SWB 20-01 (CO)

ADMINISTRATIVE SUBPOENA

TO: William Garcia

YOU ARE HEREBY REQUIRED, pursuant to the statutory authority of the Administrative Hearings Office under NMSA 1978, 7-1B-6 (D) (2015):

- ☒ To appear in person to testify in a deposition.
☒ To produce the documents identified below.

PLACE, DATE, AND TIME FOR PERSONAL APPEARANCE OR PRODUCTION:

Albuquerque Plaza
201 Third Street N.W., Suite 500
Albuquerque, New Mexico 87102-3370
December 23, 2021
9:00 a.m.

You are commanded to produce the following document(s) or object(s), if any:

1. Any documents regarding the sludge and disposal that is the subject of the Compliance Order (attached as Exhibit 1), including the characteristics of the sludge, estimates, invoices, and payments for the disposal, the permitted status of the disposal location, and the disposal certificate (attached as Exhibit 2).
2. Any communications regarding the sludge and disposal that is the subject of the Compliance Order, including communications with any representatives of Bishop's Lodge regarding the characteristics of the sludge, the permitted status of the disposal location, and the disposal certificate.

3. Any communications with the Pueblo or the New Mexico Environmental Department regarding the sludge and disposal that is the subject of the Compliance Order.

If you neglect or refuse to appear and/or produce the above-required documents in response to this subpoena, the party requesting the subpoena will invoke the aid of the district court to enforce this subpoena.

This subpoena is issued under the authority of the Administrative Hearings Office Act, Section 7-1B-6 (D) (3) NMSA 1978, this _____ day of December, 2021.

By: _____
Gregory Chakalian
Hearing Officer
Administrative Hearings Office

ISSUED UPON REQUEST OF:

Name: Gregory Marshall
Address: One Arizona Center
400 E Van Buren
Phoenix, Arizona 85004-2202
Phone Number: (602) 382-6514
Email: gmarshall@swlaw.com

AUTHORITY FOR SUBPOENA:

“In hearings conducted pursuant to the Tax Administration Act, Section 13-1-22 NMSA 1978 and the Motor Vehicle Code: ... (3) the hearing officer **may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers**, and for hearings conducted for a license suspension pursuant to Section 66-5-30 NMSA 1978, the hearing officer may require a reexamination of the licensee.” NMSA 1978, Section 7-1B-6 (D) (2015) (emphasis added).

INSTRUCTIONS TO REQUESTING PARTY

It is the responsibility of the requesting party to fill out the form subpoena, providing all essential information, and then submit it to AHO for signature. Failure to do so may result in a request to resubmit the subpoena for signature. In particular, the requesting party must provide their contact information so that the person subject to the subpoena may contact them.

It is the responsibility of the requesting party to serve this subpoena on the named party in accord with the provisions of Rule 45 (B) of the Rules of Civil Procedure, or by some other method upon mutual agreement of the person subject to subpoena such as acknowledged electronic acceptance. A party may not directly serve the subpoena, but should use the service of a disinterested, third party for service. An attorney, as an officer of the court, may directly serve a subpoena. Upon service, the requesting party shall fill out and file a copy of the included certificate of service with the Administrative Hearings Office.

A command to produce evidence or to permit inspection may be joined by a command to appear at hearing or other setting. The requesting party is required to communicate with the person subject to the subpoena about any scheduling changes to the hearing.

INFORMATION TO PERSON SUBJECT TO THIS SUBPOENA

You are entitled to the protections articulated under Rule 45(C) of the Rules of Civil Procedure. A party or an attorney responsible for the issuance and service of the subpoena shall take reasonable steps avoid imposing an undue burden or expense on the person subject to subpoena, including allowing reasonable time of at least 14-days for compliance. Rule 45(D) of the Rules of Civil Procedure lists your obligations in responding to the subpoena.

Please contact the party who requested the subpoena about any questions you have as to why you were issued this subpoena and any questions you have about the materials requested. If you wish to check on the status of the scheduled case, you may call the Administrative Hearings Office Scheduling Unit at 505-827-0358, scheduling.unit@state.nm.us for MVD cases or John Griego at 505-827-0466, tax.pleadings@state.nm.us for tax cases.

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I'm a licensed New Mexico attorney in good standing, and that as an officer of the tribunal with a duty of candor to the tribunal, that on this _____ day of December, 2021, I caused this subpoena to be served on Richard Holland by [describe method of service, and if not conforming to Rule 45 of Civil Procedure, indicate the subject person's agreement to an alternative method of service and the manner of that alternative service].

Gregory Marshall
One Arizona Center
400 E Van Buren
Phoenix, Arizona 85004-2202
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gmarshall@swlaw.com



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STATE OF NEW MEXICO ADMINISTRATIVE HEARINGS OFFICE

NEW MEXICO ENVIRONMENT
DEPARTMENT RESOURCE
PROTECTION DIVISION,

Complainant,
v.

BL SANTA FE, LLC,

and

HRV HOTEL PARTNERS, LLC

Respondents.

Case No. SWB 20-01 (CO)

ADMINISTRATIVE SUBPOENA

TO: James Spehar

YOU ARE HEREBY REQUIRED, pursuant to the statutory authority of the Administrative Hearings Office under NMSA 1978, 7-1B-6 (D) (2015):

- ☒ To appear in person to testify in in a deposition.
- ☒ To produce the documents identified below.

PLACE, DATE, AND TIME FOR PERSONAL APPEARANCE OR PRODUCTION:

Albuquerque Plaza
201 Third Street N.W., Suite 500
Albuquerque, New Mexico 87102-3370
December 22, 2021
9:00 a.m.

You are commanded to produce the following document(s) or object(s), if any:

1. Any documents regarding the haulers identified in Paragraphs 16(C), 18, and 19 of the Compliance Order (attached as Exhibit 1), including estimates, invoices, payments, and manifests.
2. Any communications with the haulers identified in Paragraph 16(C), 18, and 19 of the Compliance Order, including communications about the characteristics of the sludge, whether the haulers were registered as haulers of special waste, and special waste manifests.

3. Any documents regarding any testing or other analysis of the sludge identified in Paragraph 20 of the Compliance Order.
4. Any documents regarding the sludge and disposal that is the subject of the Compliance Order, including estimates, invoices, and payments to the Pueblo.
5. Any communications with the Pueblo regarding the sludge and disposal that is the subject of the Compliance Order, including communications regarding the characteristics of the sludge and the permitted status of the disposal location.
6. Any communications with the New Mexico Environmental Department regarding the sludge and disposal that is the subject of the Compliance Order.

If you neglect or refuse to appear and/or produce the above-required documents in response to this subpoena, the party requesting the subpoena will invoke the aid of the district court to enforce this subpoena.

This subpoena is issued under the authority of the Administrative Hearings Office Act, Section 7-1B-6 (D) (3) NMSA 1978, this _____ day of December, 2021.

By: _____
Gregory Chakalian
Hearing Officer
Administrative Hearings Office

ISSUED UPON REQUEST OF:

Name: Gregory Marshall
Address: One Arizona Center
400 E Van Buren
Phoenix, Arizona 85004-2202
Phone Number: (602) 382-6514
Email: gmarshall@swlaw.com

AUTHORITY FOR SUBPOENA:

“In hearings conducted pursuant to the Tax Administration Act, Section 13-1-22 NMSA 1978 and the Motor Vehicle Code: ... (3) the hearing officer **may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers**, and for hearings conducted for a license suspension pursuant to Section 66-5-30 NMSA 1978, the hearing officer may require a reexamination of the licensee.” NMSA 1978, Section 7-1B-6 (D) (2015) (emphasis added).

INSTRUCTIONS TO REQUESTING PARTY

It is the responsibility of the requesting party to fill out the form subpoena, providing all essential information, and then submit it to AHO for signature. Failure to do so may result in a request to resubmit the subpoena for signature. In particular, the requesting party must provide their contact information so that the person subject to the subpoena may contact them.

It is the responsibility of the requesting party to serve this subpoena on the named party in accord with the provisions of Rule 45 (B) of the Rules of Civil Procedure, or by some other method upon mutual agreement of the person subject to subpoena such as acknowledged electronic acceptance. A party may not directly serve the subpoena, but should use the service of a disinterested, third party for service. An attorney, as an officer of the court, may directly serve a subpoena. Upon service, the requesting party shall fill out and file a copy of the included certificate of service with the Administrative Hearings Office.

A command to produce evidence or to permit inspection may be joined by a command to appear at hearing or other setting. The requesting party is required to communicate with the person subject to the subpoena about any scheduling changes to the hearing.

INFORMATION TO PERSON SUBJECT TO THIS SUBPOENA

You are entitled to the protections articulated under Rule 45(C) of the Rules of Civil Procedure. A party or an attorney responsible for the issuance and service of the subpoena shall take reasonable steps avoid imposing an undue burden or expense on the person subject to subpoena, including allowing reasonable time of at least 14-days for compliance. Rule 45(D) of the Rules of Civil Procedure lists your obligations in responding to the subpoena.

Please contact the party who requested the subpoena about any questions you have as to why you were issued this subpoena and any questions you have about the materials requested. If you wish to check on the status of the scheduled case, you may call the Administrative Hearings Office Scheduling Unit at 505-827-0358, scheduling.unit@state.nm.us for MVD cases or John Griego at 505-827-0466, tax.pleadings@state.nm.us for tax cases.

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I'm a licensed New Mexico attorney in good standing, and that as an officer of the tribunal with a duty of candor to the tribunal, that on this _____ day of December, 2021, I caused this subpoena to be served on Richard Holland by [describe method of service, and if not conforming to Rule 45 of Civil Procedure, indicate the subject person's agreement to an alternative method of service and the manner of that alternative service].

Gregory Marshall
One Arizona Center
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DEPARTMENT RESOURCE
PROTECTION DIVISION,

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v.

BL SANTA FE, LLC,

and

HRV HOTEL PARTNERS, LLC

Respondents.

Case No. SWB 20-01 (CO)

ADMINISTRATIVE SUBPOENA

TO: Richard Holland

YOU ARE HEREBY REQUIRED, pursuant to the statutory authority of the Administrative Hearings Office under NMSA 1978, 7-1B-6 (D) (2015):

- ☒ To appear in person to testify in a deposition.
- ☒ To produce the documents identified below.

PLACE, DATE, AND TIME FOR PERSONAL APPEARANCE OR PRODUCTION:

Albuquerque Plaza
201 Third Street N.W., Suite 500
Albuquerque, New Mexico 87102-3370
December 22, 2021
1:00 p.m.

You are commanded to produce the following document(s) or object(s), if any:

1. Any documents regarding the haulers identified in Paragraphs 16(C), 18, and 19 of the Compliance Order (attached as Exhibit 1), including estimates, invoices, payments, and manifests.
2. Any communications with the haulers identified in Paragraph 16(C), 18, and 19 of the Compliance Order, including communications about the characteristics of the sludge, whether the haulers were registered as haulers of special waste, and special waste manifests.

3. Any documents regarding any testing or other analysis of the sludge identified in Paragraph 20 of the Compliance Order.
4. Any documents regarding the sludge and disposal that is the subject of the Compliance Order, including estimates, invoices, and payments to the Pueblo.
5. Any communications with the Pueblo regarding the sludge and disposal that is the subject of the Compliance Order, including communications regarding the characteristics of the sludge and the permitted status of the disposal location.
6. Any communications with the New Mexico Environmental Department regarding the sludge and disposal that is the subject of the Compliance Order.

If you neglect or refuse to appear and/or produce the above-required documents in response to this subpoena, the party requesting the subpoena will invoke the aid of the district court to enforce this subpoena.

This subpoena is issued under the authority of the Administrative Hearings Office Act, Section 7-1B-6 (D) (3) NMSA 1978, this _____ day of December, 2021.

By: _____
Gregory Chakalian
Hearing Officer
Administrative Hearings Office

ISSUED UPON REQUEST OF:

Name: Gregory Marshall
Address: One Arizona Center
400 E Van Buren
Phoenix, Arizona 85004-2202
Phone Number: (602) 382-6514
Email: gmarshall@swlaw.com

AUTHORITY FOR SUBPOENA:

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INSTRUCTIONS TO REQUESTING PARTY

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It is the responsibility of the requesting party to serve this subpoena on the named party in accord with the provisions of Rule 45 (B) of the Rules of Civil Procedure, or by some other method upon mutual agreement of the person subject to subpoena such as acknowledged electronic acceptance. A party may not directly serve the subpoena, but should use the service of a disinterested, third party for service. An attorney, as an officer of the court, may directly serve a subpoena. Upon service, the requesting party shall fill out and file a copy of the included certificate of service with the Administrative Hearings Office.

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Please contact the party who requested the subpoena about any questions you have as to why you were issued this subpoena and any questions you have about the materials requested. If you wish to check on the status of the scheduled case, you may call the Administrative Hearings Office Scheduling Unit at 505-827-0358, scheduling.unit@state.nm.us for MVD cases or John Griego at 505-827-0466, tax.pleadings@state.nm.us for tax cases.

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I'm a licensed New Mexico attorney in good standing, and that as an officer of the tribunal with a duty of candor to the tribunal, that on this _____ day of December, 2021, I caused this subpoena to be served on Richard Holland by [describe method of service, and if not conforming to Rule 45 of Civil Procedure, indicate the subject person's agreement to an alternative method of service and the manner of that alternative service].

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PROTECTION DIVISION,

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BL SANTA FE, LLC,

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Respondents.

Case No. SWB 20-01 (CO)

ADMINISTRATIVE SUBPOENA

TO: Advanced Environmental Solutions
2318 Roldan Drive
Belen, New Mexico 87002

YOU ARE HEREBY REQUIRED, pursuant to the statutory authority of the Administrative Hearings Office under NMSA 1978, 7-1B-6 (D) (2015):

- ☐ To appear in person to testify in above-captioned hearing.
☒ To produce the documents identified below.

PLACE, DATE, AND TIME FOR PERSONAL APPEARANCE OR PRODUCTION:

Albuquerque Plaza
201 Third Street N.W., Suite 500
Albuquerque, New Mexico 87102-3370
December 22, 2021
9:00 a.m.

You are commanded to produce the following document(s) or object(s), if any:

1. Any documents regarding Proposal #: 180628AS (attached as Exhibit 1), including any documents in your possession, custody, or control upon which you referenced, relied, or are otherwise part of your file regarding the subject matter of the waste and disposal described therein.

2. Any communications regarding Proposal #: 180628AS, including, but not limited to, any communications with the Pueblo, or anyone acting on its behalf, regarding the subject matter of the waste and disposal described therein.

If you neglect or refuse to appear and/or produce the above-required documents in response to this subpoena, the party requesting the subpoena will invoke the aid of the district court to enforce this subpoena.

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By: _____
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ISSUED UPON REQUEST OF:

Name: Gregory Marshall
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400 E Van Buren
Phoenix, Arizona 85004-2202
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